

APL



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,778	01/19/2001	Anthony A. Mowers	14283/23	9808

26646 7590 02/11/2004

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
----------	--------------

2122

DATE MAILED: 02/11/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,778

Applicant(s)

MOWERS ET AL.

Examiner

Chuck O Kendall

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/19/2001, 03/11/2002, 04/14/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5, 7
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is in response to the application filed 06/22/01.
2. Claims 1 - 46 have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1 – 5, 13 – 18, 26 – 28, 35 – 38, 45 & 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Lochbaum USPN 5,953,532.

Regarding claim 1, Lochbaum anticipates a method, comprising:

(1) determining a set of present components assigned to a domain, each of the set of present components includes a set of modules for determining components assigned to a domain (Col.4:5 - 15, see second child window 250);

(2) determining a set of symbols imported by the set of modules assigned to the domain (Col. 4: 7 - 10, see second child window 220);

(3) determining zero or more needed components to which the domain does not have access and at least one of provides the set of symbols imported by the set of modules, and specified as required by the set of present components; and (Col.4:8 -10, for *zero needed components to which domain does not have access to see* "windows 220 lists only application program the user... has access to);

(4) adding the zero or more needed components into the domain (Col. 4: 45-47, see installs for *adding*).

Regarding claim 2, the method of claim 1, wherein determining the zero or more needed components includes determining zero or more non-resident needed components which are the zero or more needed components that cannot reside in the domain (Col.5: 45 – 55, see defining access and see network for non - resident on users domain, also see 3:39 for client/server), as specified by a user of a configuration tool, and determining zero or more resident needed components which are the zero or more needed components that can reside in the domain, as specified by the user (Col.4: 50 – 60).

Regarding claim 3, the method of claim 1, wherein the domain has access only to the set of present components assigned to the domain (Col.5: 45 – 55, see defining access).

Regarding claim 4, the method of claim 2, wherein adding the zero or more needed components into the domain includes displaying the zero or more resident needed components to a user of a project facility and allowing the user to add the zero or more needed components into the domain.

Regarding claim 5, the method of claim 2, further comprising displaying the zero or more non-resident needed components to a user of a project facility (For display see, FIG. 2).

Regarding claim 13, which is the system version of claim 1, see rationale as previously discussed above.

Regarding claim 14, the system of claim 13, further comprising a configuration tool, coupled to the project analysis utility, at least one of creates the domain, assigns the set of present components to the domain, and specifies whether a particular one of the set of components may reside in the domain (Lochbaum, Col. 5:45 – 55, for configuration tool, see defines an icon and window 220).

Regarding claim 15, the system of claim 13, wherein the project analysis utility determines zero or more non-resident needed components which are the zero or more needed components that cannot reside in the domain, as specified by a user of the configuration tool, and determines zero or more resident needed components which are the zero or more needed components that can reside in the domain, as

specified by the user (Col. 5: 50 – 57, assigning access i.e. needed components, however claim includes *zero* or more limitation which examiner interprets to be an optional limitation that does not have to be necessarily present).

Regarding claim 16, which is the system version of claim 3, see rationale as previously discussed above.

Regarding claim 17, which is the system version of claim 4, see rationale as previously discussed above.

Regarding claim 18, which is the system version of claim 5, see rationale as previously discussed above.

Regarding claim 26, Lochbaum anticipates a method, comprising:

(1) determining a set of present components assigned to a domain (Col.4:5 - 15, see second child window 250);

(2) determining zero or more precious components specified by a user of a configuration tool as not removable from the domain, each of the zero or more precious components includes a set of modules (Col. 3: 50- 53, examiner interprets “zero” components not removable to be not being removed i.e. being resident either installed or assigned);

(3) determining a set of symbols imported by the set of modules in each of the zero or more precious components (Col. 4: 7 - 10, see second child window 220);

(4) determining zero or more needed components to which the domain does not have access and at least one of provides the set of symbols imported by the set of modules, and specified as required by the zero or more precious components (Col.4:8 -10, for *zero needed components to which domain does not have access to see* “windows 220 lists only application program the user... has access to));

(5) if one or more of the zero or more needed components is found in the set of present components, then moving the one or more of the set of present components into the zero or more precious components (Col: 3:45 – 50, for moving see transfers); and

(6) removing the set of present components from the domain (Col 4: 40 45, see de-install, for removing).

Regarding claim 27, the method of claim 26, wherein the domain has access only to the set of present components assigned to the domain (FIG. 2, for installable).

Regarding claim 28, the method of claim 27, wherein removing the set of present components from the domain includes displaying the set of present components to a user of a project facility and allowing the user to remove the set of present components from the domain (see FIG.2, for displaying and Col 4: 40 45, for removing se deinstall).

Regarding claim 35, which is the system version of claim 26, see rationale as previously discussed above.

Regarding claim 36, which is the system version of claim 4, see rationale as previously discussed above.

Regarding claim 37, which is the system version of claim 27, see rationale as previously discussed above.

Regarding claim 38, which is the system version of claim 28, see rationale as previously discussed above.

Regarding claim 45, which is the device version of claim 1, see rationale as previously discussed above.

Regarding claim 46, which is the device version of claim 26, see rationale as previously discussed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 – 12, 19 – 25, 29 – 34 & 39 – 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lochbaum USPN 5,953,532 as applied in claim 2, in view of Yamasaki USPN 5,528,757.

Regarding claims 6 & 29, Lochbaum discloses all the claimed limitations as applied in claim 2 above. Lochbaum does not expressly disclose wherein the domain is part of a set of domains and a domain link path connects the set of domains between a highest hierarchical level of the domain link path and a lowest hierarchical level. However, Yamasaki does disclose this feature in an analogous art (FIG. 2, see associated text Col.5: 15 - 37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lochbaum and Yamasaki because, it would enable routing and exchange data between all computers (domains) linked in the LAN.

Regarding claim 7 & 30, Yamasaki further discloses the method of claim 6, wherein a kernel domain is at the lowest hierarchical level of the domain link path and application domains are at the highest hierarchical level of the domain link path (Yamasaki, See FIG. 4, for APPLICATION LAYER (*application domain*), and PHYSICAL LAYER (kernel domain), see associated text Col.6: 15 – 20). It would have been obvious to one of ordinary skill in the art to modify Lochbaum with Yamasaki to implement the instant claimed invention because it would enable more efficient dissemination of application or programs within the hierarchy.

Regarding claim 8 & 31, the method of claim 7, wherein the particular one of the set of domains does not have access to a set of components not assigned to the particular one of the set of domains, and that provides the set of symbols imported by the set of modules but the particular one of the set of domains is not given entry points to those symbols by the set of domains at lower hierarchical levels in the domain link path (Lochbaum, Col. 5: 50 – 53, for “access may be dynamically assigned” and also see lines 54 – 56, for automatically selecting different options) and that are not in at least one of the zero or more resident needed components, and the zero or more non-resident needed components of any one of the set of domains at

lower hierarchical levels in the domain link path, if such levels exist (Lochbaum, Col. 5: 53 – 57, see automatically selects, different optional functions).

Regarding claim 9, the method of claim 8, wherein for each of the set of domains in the domain link path, starting at the lowest hierarchical level of the domain link path and traversing to the highest hierarchical level, performing steps (1) to (3) of claim 1 for each of the set of domains (Yamasaki, FIG. 6).

Regarding claim 10, the method of claim 9, further comprising, for each of the set of domains in the domain link path and starting at the highest hierarchical level of that domain link path and traversing to the lowest hierarchical level, (For traversing refer to hierarchy, and communication links in Yamasaki) determining the set of symbols imported by the zero or more resident needed components of that domain and determining zero or more second pass needed components that at least one of provides the set of symbols imported by the zero or more resident needed components and to which this domain does not have access, and specified by the component description file as required by the zero or more resident needed components (Lochbaum, Col.4:8 -10, for *zero needed components to which domain does not have access to see* “windows 220 lists only application program the user... has access to)

inserting the zero or more second pass needed components that can reside in this domain into the zero or more resident needed components for that domain, and for each of the zero or more second pass needed components that cannot reside in this domain (Lochbaum, Col.5: 53 - 57, see “selecting the different optional functions for different groups of users”, Examiner interprets this to mean the zero or more needed components since different terminals can have a different assignment of programs),

traversing down the domain link path to the lowest hierarchical level until the particular one of the zero or more second pass needed components can reside in a particular one of the set of domains in the domain link path and then inserting the particular one of the zero or more second pass needed components into the particular one of the set of domains, otherwise, if the particular one of the zero or more second pass needed components cannot reside in any of the domains of the domain link path, then inserting the particular one of the zero or more second pass needed components

into zero or more error components (Lochbaum, Col.5:60 – 65, see installing in accordance to license available, as interpreted by Examiner).

Regarding claim 11, the method of claim 10, wherein adding the zero or more needed components includes displaying the zero or more resident needed components of a particular one of the set of domains to a user of a project facility and allowing the user to add the zero or more resident needed components into that domain (Lochbaum, FIG. 2).

Regarding claim 12, the method of claim 10, further comprising, displaying the zero or more non-resident needed components of a particular one of the set of domains to a user of a project facility (Lochbaum, FIG.2, see INSATALLABLE).

Regarding claim 19, which is the system version of claim 6, see rationale as previously discussed above.

Regarding claim 20, which is the system version of claim 7, see rationale as previously discussed above.

Regarding claim 21, which is the system version of claim 8, see rationale as previously discussed above.

Regarding claim 22, which is the system version of claim 9, see rationale as previously discussed above.

Regarding claim 23, which is the system version of claim 10, see rationale as previously discussed above.

Regarding claim 24, which is the system version of claim 11, see rationale as previously discussed above.

Regarding claim 25, which is the system version of claim 12, see rationale as previously discussed above.

Regarding claim 32, the method of claim 31, wherein for each of the set of domains in the domain link path, starting at the highest hierarchical level of the domain link path and traversing to the lowest hierarchical level, performing steps (1) to (5) of claim 28 for each of the set of domains (Yamasaki, FIG. 6).

Regarding claim 33, see reasoning in claim 10, which discloses similar limitations as claimed above.

Regarding claim 34, see reasoning in claim 11, which discloses similar limitations as claimed above.

Regarding claim 39, which is the system version of claim 6, see rationale as previously discussed above.

Regarding claim 40, which is the system version of claim 7, see rationale as previously discussed above.

Regarding claim 41, which is the system version of claim 8, see rationale as previously discussed above.

Regarding claim 42, which is the system version of claim 32, see rationale as previously discussed above.

Regarding claim 43, which is the system version of claim 10, see rationale as previously discussed above.

Regarding claim 44. The system of claim 43, wherein the project analysis utility removes the set of present components by displaying the set of present components of a particular one of the set of domains to a user of a project facility using a graphics user interface, and by allowing the user to remove one or more of the set of present components (Lochbaum, see Col: 4: 45 – 50).

Correspondence Information

7. Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam *can be* reached at (703) 305-4552.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Art Unit: 2122

For facsimile (fax) send to 703-7467239 official and 703-7467240
draft

Chuck O. Kendall
Software Engineer Patent Examiner
United States Department of

W. H. ZHEN
Primary Exam.